

Patent  
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126. (New) The commercial transaction communication system of claim 97 wherein the plural groups includes at least one vendor and a plurality of potential buyers.

127. (New) The commercial transaction communication system of claim 97 wherein the plural groups includes a plurality of potential buyers and a plurality of vendors.

128. (New) The commercial transaction communication control system of claim 97 further including an image storage system for storing images for provision to said buyer.

129. (New) The commercial transaction communication control system of claim 128 wherein the image storage includes still images.

130. (New) The commercial transaction system of claim 97 further including an inventory control system.

131. (New) The commercial transaction system of claim 130 further including a notification prevention system when said inventory control system indicates that the product or service is unavailable.--

#### R E M A R K S

Applicant respectfully submits that the claims now in this case, that is, claims 97-131 coincide to previous claims 17-30, 32-37 and 39-53 as introduced in the preliminary amendment dated February 17, 2000, with the exception of claims 25 and 39. These two claims as presented here incorporate the amendments set forth in Applicant's Amendment and Response submitted on February 1, 2002.

For background purposes, Applicant notes that after filing the present divisional application, claims 17-30, 32-37 and 39-53 were presented by preliminary amendment. The Examiner issued an Office Action (Paper No. 6, 5/8/01) that addressed the merits of those claims. Applicant responded to the Office Action with an amendment (11/8/01) and further with a substantially duplicate amendment (2/1/02) to rectify technical marking problems. Both

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amendments addressed the rejections and treated the applied art, requesting reconsideration of the claims.

Prior to any further action by the Examiner, Applicant conducted a personal interview with the Examiner and apprised the Examiner of Applicant's intention to submit a supplemental amendment. Applicant filed a supplemental amendment (5/17/02) which, to some extent redirected the present application. Specifically, the new claims (17-30, 32-37 and 39-96) were drawn more specifically to Figure 2 of the drawings in the present application. Applicant also filed a second supplemental amendment (6/19/02) with a few further claim refinements for clarification.

Upon consideration of the case, Examiner concluded that the newly submitted claims in the case (claims 17-30, 32-37 and 39-96) were directed to a constructively non-elected invention. Consequently, Examiner has withdrawn those claims from consideration in this application. However, recognizing Applicant's bona fide attempt to reply, Examiner set a date of one month or thirty days for Applicant's reply.

Now, to assure that the claims that are presented are within the constructively elected species, Applicant is presenting the original claims that defined the constructive election, however, re-numbered as claims 97-131 (old claims 17-30, 32-37 and 39-53). Those claims were not acted upon after Applicant's amendment (2/1/02). Accordingly, claims 97-131, that are presented for consideration here, are substantively the claims as asserted in the amendment of February 1, 2002. Applicant respectfully requests the Examiner to consider these claims now.

As for the claims 17-30, 32-37 and 39-96 (withdrawn from consideration), Applicant will pursue them in a divisional application.

In response to the office action dated May 8, 2001, Applicant urged comments and arguments in the Amendment and Response dated February 1, 2002, which have not been considered by the Examiner and are repeated below. Reconsideration of this application in view of these comments and arguments is respectfully requested.

#### I. Rejection Under 35 U.S.C. Section 112

In paragraph 1 of the office action (May 8, 2001), claims 25 and 39 are rejected under 35 U.S.C. Section 112, second paragraph, as indefinite. In claim 25, line 2, the Examiner indicated that the recitation "*said high resolution still image*" lacks proper antecedent basis. Applicant

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has amended claim 25 by deleting the recitation “*said*” and inserting the recitation “*an*” instead. With respect to claim 39, the Examiner indicated that the recitation “*the text system*” lacks proper antecedent basis. Applicant has amended claim 39 by deleting “*the*” before “*text system*” and inserting “*a*” instead, further to, clarifying that a text system includes “*text data including*” commercial transaction data. Applicant respectfully submits that the above amendments to claims 25 and 39 address the Examiner’s rejections of those claims under 35 U.S.C. Section 112 and further clarify them.

## II. Rejection Under 35 U.S.C. Section 103

In paragraph 3 of the office action, claims 17-51 (new claims 97-129, note that claims 31 and 38 were canceled) are rejected under 35 U.S.C. Section 103(a) as unpatentable over D’Agostino in view of Smith. The Examiner asserts that D’Agostino’s customer terminal 14 in Fig. 2A and representative terminal 12 in Fig. 2B satisfy the claimed element “*video display systems.*”

The Examiner takes the position that D’Agostino’s customer terminal is capable of operating in a video image display mode or a menu display mode, citing column 6, lines. 49-56 (D’Agostino patent) to support her position. Applicant respectfully submits that the D’Agostino patent is different from the claimed invention in several ways.

First, as the Examiner recognizes, D’Agostino lacks disclosure of communicating a dynamic, full-motion video. Nor does it recognize the desirability of communicating dynamic, full-motion video.

Second, the D’Agostino’s patent describes its representative terminal as a central or host terminal, which “*seizes control of the customer terminal*” and then causes a “*digitized video image of himself to appear on the display of the customer terminal.*” The D’Agostino patent further indicates that a representative “*will cause a menu to appear on the display of the customer terminal.*” In contrast, the claims require a commercial transaction communication system (central system) for selectively enabling video communications between at least one vendor and at least one buyer (located at different remote terminals).

Third, the Examiner points to an input device (D’Agostino’s keyboard 46) to satisfy Applicant’s claimed format switch. The claimed format switch is adapted to selectively couple the vendors and buyers in an interoperable manner to effect video selection in a selected video

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format. Applicant respectfully submits that an interface device such as a keyboard does not perform the functionality described here.

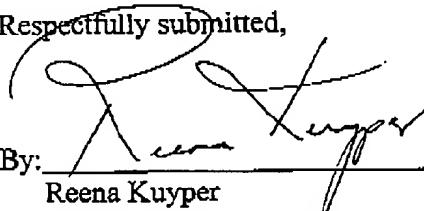
The Examiner relies on Smith for a disclosure of "*direct, real-time, point-to-point video communication,*" indicating that it teaches the desirability of including a camera to provide this aspect. Applicant respectfully submits that even if Smith did teach this aspect, a combination with D'Agostino would still not result in the claimed invention for the reasons urged above.

Specifically, with respect to the dependent claims, Applicant submits that they also are distinct at least for the reasons urged above with respect to the base claim. As for the Examiner taking Official Notice, Applicant requests the Examiner to provide a reference that shows the aspects claimed by those claims.

Applicant respectfully requests the Examiner to reconsider her rejection under 35 U.S.C. Section 103 of the claim scope that is pending here and to allow the claims.

Respectfully submitted,

By:

  
Reena Kuyper  
Registration No. 33,830

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9220 Sunset Blvd., Suite 315  
Los Angeles, CA 90069  
(310) 247-8191